

AMENDED IN ASSEMBLY AUGUST 25, 1998  
AMENDED IN ASSEMBLY AUGUST 13, 1998  
AMENDED IN ASSEMBLY JANUARY 15, 1998  
AMENDED IN SENATE MAY 1, 1997  
AMENDED IN SENATE APRIL 14, 1997

**SENATE BILL**

**No. 520**

**Introduced by Senator ~~Bruce~~ Rainey**  
**(Principal coauthor: Senator Lee)**  
**(Coauthor: Senator Karnette)**  
**(Coauthor: Assembly Member Frusetta)**  
*(Principal coauthors: Assembly Members Runner,*  
*Torlakson, and Brown)*

February 24, 1997

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~~An act to add Section 84305.7 to the Government Code, relating to Political Reform Act of 1974. An act relating to elections, to take effect immediately, as an act calling an election.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 520, as amended, ~~Bruce~~ Rainey. Elections: ~~telephone advocacy; disclosure.~~

*Existing provisions of the California Constitution permit the Legislature to enact statutes calling elections, and make those statutes effective immediately upon enactment.*

*This bill would call an election to be consolidated with the November 3, 1998, statewide general election and require,*

*notwithstanding certain provisions of existing law, the submission of ACA 10 to the voters at that election.*

*Because local elections officials would be required to undertake additional duties to submit ACA 10 on the ballot at the consolidated election, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.*

*This bill would declare that it is to take effect immediately as an act calling an election.*

~~Existing law requires that any paid political advertisement that refers to an election or to any candidate for state or local elective office contained in or distributed with a newspaper bear the words “paid political advertisement,” as specified.~~

~~This bill would prohibit a candidate, committee, political organization, independent expenditure committee, or other organization from expending campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 1,000 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the organization that paid for the call is disclosed to the recipient of the call. The bill would provide that it shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.~~

~~The bill also would prohibit campaign and ballot measure committees from contracting with any phone bank vendor that does not disclose the information required to be disclosed by this bill, and a violation of that prohibition would be subject~~

~~to the enforcement provisions of the Political Reform Act of 1974.~~

~~Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties.~~

~~This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of the bill.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Section 84305.7 is added to the~~  
2    *SECTION 1. Notwithstanding the requirements of*  
3    *Sections 9040, 9043, 9044, 9061, and 9082 of the Elections*  
4    *Code or any other provision of law, the Secretary of State*  
5    *shall submit Assembly Constitutional Amendment 10 of*  
6    *the 1997-98 Regular Session to the voters at the*  
7    *November 3, 1998, statewide general election.*  
8    *SEC. 2. (a) Notwithstanding any other provision of*  
9    *law, all ballots of the November 3, 1998, general election*  
10    *shall have printed thereon and in a square thereof, the*  
11    *words: "Local Sales and Use Taxes—Revenue Sharing.*  
12    *This measure would authorize local governments to*  
13    *voluntarily enter into sales tax revenue sharing*  
14    *agreements by a two-thirds vote of the local city council*  
15    *or board of supervisors of each participating jurisdiction."*  
16    *Opposite the square, there shall be left spaces in which*

1 *the voters may place a cross in the manner required by*  
2 *law to indicate whether they vote for or against the act.*

3 *(b) Notwithstanding Sections 13247 and 13281 of the*  
4 *Elections Code, the language in subdivision (a) shall be*  
5 *the only language included in the ballot label for the*  
6 *condensed statement of the ballot title, and the Attorney*  
7 *General shall not supplement, subtract from, or revise*  
8 *that language, except that the Attorney General may*  
9 *include the financial impact summary prepared pursuant*  
10 *to Section 9087 of the Elections Code and Section 88003*  
11 *of the Government Code. The ballot label is the*  
12 *condensed statement of the ballot title and the financial*  
13 *impact summary.*

14 *(c) Where voting in the election is done by means of*  
15 *voting machines used pursuant to law in a manner that*  
16 *carries out the intent of this section, the use of the voting*  
17 *machines and the expression of the voters' choice by*  
18 *means thereof are in compliance with this section.*

19 *SEC. 3. Notwithstanding Section 13115 of the*  
20 *Elections Code, Assembly Constitutional Amendment 10*  
21 *of the 1997–98 Regular Session and any other measure*  
22 *placed on the ballot by the Legislature for the November*  
23 *3, 1998, statewide general election after the 131-day*  
24 *deadline set forth in Section 9040 of the Elections Code*  
25 *shall be placed on the ballot, following all other ballot*  
26 *measures.*

27 *SEC. 4. Notwithstanding Section 13282 of the*  
28 *Elections Code, the public shall be permitted to examine*  
29 *the condensed statement of the ballot title regarding*  
30 *Assembly Constitutional Amendment 10 of the 1997–98*  
31 *Regular Session for not more than eight days. Any voter*  
32 *may seek a writ of mandate for the purpose of requiring*  
33 *any statement of the ballot title, or portion thereof, to be*  
34 *amended or deleted only within that eight-day period.*

35 *SEC. 5. The Secretary of State shall include, in the*  
36 *ballot pamphlets mailed pursuant to Section 9094 of the*  
37 *Elections Code, the information specified in Section 9084*  
38 *of the Elections Code regarding Assembly Constitutional*  
39 *Amendment 10 of the 1997–98 Regular Session. If that*  
40 *inclusion is not possible, the Secretary of State shall*

1 include in a supplemental ballot pamphlet, but only if one  
2 is required by another measure, a statement regarding  
3 Assembly Constitutional Amendment 10 of the 1997-98  
4 Regular Session, to be mailed with the ballot pamphlet.

5 SEC. 6. No reimbursement shall be made from the  
6 State Mandates Claims Fund pursuant to Part 7  
7 (commencing with Section 17500) of Division 4 of Title  
8 2 of the Government Code for costs mandated by the  
9 state pursuant to this act. It is recognized, however, that  
10 a local agency or school district may pursue any remedies  
11 to obtain reimbursement available to it under Part 7  
12 (commencing with Section 17500) and any other  
13 provisions of law.

14 Notwithstanding Section 17580 of the Government  
15 Code, unless otherwise specified, the provisions of this act  
16 shall become operative on the same date that the act  
17 takes effect pursuant to the California Constitution.

18 SEC. 7. This act calls an election within the meaning  
19 of Article IV of the Constitution and shall go into  
20 immediate effect.

21 SEC. 8. A special election is hereby called to be held  
22 throughout the state on November 8, 1998. The election  
23 shall be consolidated with the general election to be held  
24 on that date. The consolidated election shall be held and  
25 conducted in all respects as if there were only one  
26 election and only one form of ballot shall be used.

27 ~~Government Code, to read:~~

28 ~~84305.7. (a) A candidate, committee, political~~  
29 ~~organization, independent expenditure committee, or~~  
30 ~~other organization may not expend campaign funds,~~  
31 ~~directly or indirectly, to pay for telephone calls that are~~  
32 ~~similar in nature and aggregate 1,000 or more in number,~~  
33 ~~made by an individual, or individuals, or by electronic~~  
34 ~~means and that advocate support of, or opposition to, a~~  
35 ~~candidate, ballot measure, or both, unless during the~~  
36 ~~course of each call the name of the organization that paid~~  
37 ~~for the call is disclosed to the recipient of the call. This~~  
38 ~~section shall not apply to telephone calls made by the~~  
39 ~~candidate, the campaign manager, or individuals who are~~  
40 ~~volunteers.~~

~~(b) Campaign and ballot measure committees are prohibited from contracting with any phone bank vendor that does not disclose the information required to be disclosed by subdivision (a).~~

~~SEC. 2. The Legislature finds and declares that the provisions of Section 1 of this act further the purpose of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.~~

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

~~Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.~~